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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): RCA 89633

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on November 16, 2006

Signature Lori Klewin

Typed or printed name Lori Klewin

Application Number	Filed
10/030,834	January 10, 2002

First Named Inventor: Charles Bailey Neal

Art Unit	Examiner
2622	Trang Tran

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Registration number 40,677
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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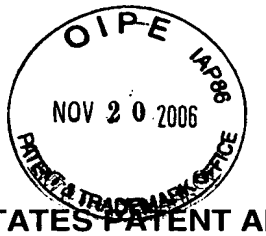
Nov. 16, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Ser. No. 10/030,834
Internal Docket No. RCA 89,633
Customer No. 24498



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Charles Bailey Neal
Ser. No.:	10/030,834
Filed:	January 10, 2002
For:	METHOD AND APPARATUS FOR PROVIDING ON-SCREEN DISPLAYS FOR A MULTI-COLORIMETRY RECEIVER
Examiner:	Trang Tran
Art Unit:	2622

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450.

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pre-Appeal Brief Review has been requested in the above-captioned application, as identified in the accompanying Form PTO/SB/33, in the rejection of: (1) Claims 1-2 and 4-8 under 35 U.S.C. 103(a) as being unpatentable over Han (U.S. Patent No. 6,421,094) in view of Fujimoto (US Patent No. 5,912,710); and, (2) Claim 3 under 35 U.S.C. 103(a) as being unpatentable over Han (U.S. Patent No. 6,421,094) in view of Fujimoto (US Patent No. 5,912,710) and further in view of Susumu Imai (JP 403268594 A). Applicant submits that there are clear errors in the application of the cited references to the present application, and that there is no *prima facie* case of obviousness as to any of these pending claims in view of the cited references.

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

November 16, 2006
Date

Lori Klewin
Lori Klewin

Rejection of claims 1-2 and 4-8:

Claims 1-2 and 4-8 are patentably distinguishable over the teachings of Han and Fujimoto since the references, whether taken individually or in combination, fail to teach or suggest all elements of the claims. Independent claim 1 recites:

> "means for generating an On Screen Display (OSD) signal for forming a graphics display that is overlaid onto one of the first and second video programs, ***the generating means capable of providing the OSD signal in any one of the first and second color formats, wherein the generated OSD signal is formatted in accordance with a selected one of the first and second color format that corresponds to a color format associated with the selected video signal***, the generating means comprising
> a color palette that includes color information formatted in accordance with a predetermined color format, and
> a plurality of color conversion matrices for ***converting the color information in the color palette to provide the OSD signal, which is formatted in accordance with the selected one of the first and second color format*** ...
> means ... for combining the OSD signal generated by the OSD generating means with the selected one of the first or second video signals." (emphasis added),

and independent claim 6 recites:

> "providing a plurality of color conversion matrices, wherein each color conversion matrix is adapted to convert the color information in the color palette to provide a graphics signal that is formatted in accordance with a particular color format, wherein said plurality of color conversion matrices enables **providing graphics signals in any one of the first and second color formats**;
> selecting a desired one of the plurality of color conversion matrices that corresponds to the selected video signal source and *generating a graphics signal for forming a graphics display that is overlaid onto the video programs,* ***the graphics signal being formatted in accordance with one of the first color signal format and the second color signal format that corresponds to a color format associated with the selected video signal***" (emphasis added)

As indicated above, independent claim 1 calls for an apparatus comprising means for generating an On Screen Display (OSD) signal for forming a graphics display that is overlaid onto one of first and second video programs. The generating means is capable of providing the OSD signal in <u>any one of first and</u>

second color formats, and the generated OSD signal is formatted in accordance with a selected one of the first and second color formats that corresponds to a color format associated with a selected one of first and second video signals representative of the first and second video programs, respectively. In other words, the generating means of claim 1 is capable of providing the OSD signal in more than one color format (i.e., in either the first color format or the second color format).

Independent claim 6 defines a method of producing graphics comprising a step of providing a graphics signal for forming a graphics display that is overlaid onto video programs. The graphics signal is formatted in accordance with one of a first color signal format and a second color signal format that corresponds to a color format associated with a selected video signal. In other words, the graphics signal of claim 6 is capable of being provided in more than one color signal format (i.e., in either the first color signal format or the second color signal format).

Neither Han nor Fujimoto, whether taken individually or in combination, teach or suggest, *inter alia*, the ability to provide an OSD or graphics signal in **any one of the first and second color formats**, as claimed. In formulating the instant rejection, the Examiner relies on Han for allegedly disclosing a "data converter 151 capable of providing the OSD signal in any one of the first and second color formats" (see page 4 of the final Office Action dated May 17, 2006). However, Han's explicitly states that data converter 151 is **not** capable of providing signals in more than one color format. In particular, Han states:

> "The data converter 151 converts the read OSD data having a YCbCr color format of 4:4:4, 4:2:2, or 4:2:0 into ***one uniform YCbCr color format of 4:4:4*** and outputs the converted data to the MUX 153." (emphasis added; see column 4, lines 43-47)

All of the cited portions of Han are clear that data converter 151 is capable of converting signals into only "**one uniform YCbCr color format of 4:4:4**" and not into more than one color format.

Essentially, Han teaches a system that receives an input signal having a particular format, converts the input signal to a uniform format, that is 4:4:4, then combines the converted input signal with the uniform OSD format, that is 4:4:4, in

multiplexer 153. In this regard, OSD signals are read in one of a plurality of formats from memory 12, but then the read OSD data **must be converted to a single uniform format** before it is combined with the selected one of the input signals. Nowhere in this system does the OSD generator provide OSD signals in first or second color formats.

Even if one considers that memory 12 provides OSD signals in one of a plurality of formats, these OSD signals are not combined with the selected input signal. Rather, the read OSD signals must first be converted to a uniform format before they are combined with the selected input signal. This conversion is performed because the selected input signal is also first converted into a uniform format. Therefore, neither memory 12, data converter 12, nor any combination of these elements, correspond to the recited OSD generating means, and Han fails to teach or suggest an OSD generating means that provides OSD signals formatted in more than one color format as claimed.

Fujimoto is unable to remedy this deficiency of Han. In particular, Fujimoto is cited for allegedly teaching an RGB color palette circuit that converts pixel data into RGB color data. However, even assuming, *arguendo*, that Fujimoto provides the cited teachings, it fails to teach or suggest, *inter alia*, the ability to provide an OSD or graphics signal in more than one color format, as claimed. Therefore, in view of the foregoing clarification, Applicant respectfully requests that the rejection of claims 1-2 and 4-8 under 35 U.S.C. §103(a) be withdrawn.

Rejection of claim 3:

Susumu Imai is cited for allegedly teaching a conversion matrix for converting R,G,B components into Y,I,Q components. However, Susumu Imai fails to remedy the deficiencies of Han and Fujimoto presented above in conjunction with independent claims 1 and 6. That is, even assuming arguendo that Susumu provides the alleged teachings, Susumu Imai fails to teach or suggest, *inter alia*, the ability to provide an OSD or graphics signal in more than one color format, as claimed. Accordingly, Applicant submits that claim 3 is patentably distinguishable over the combination of Han, Fujimoto and Susumu Imai, and respectfully requests withdraw of the rejection.

Conclusion

For the reasons stated above, Applicant believes the final rejection of claims 1-8 is improper, and respectfully requests that that it be withdrawn.

Respectfully submitted,
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